

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, DECEMBER 1, 2005, 1:00 P.M.**

CALL TO ORDER

Mrs. Mareth Kipp, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Pat Haukohl	Walter Kolb	Mareth Kipp
	Ellen Gennrich	Betty Willert	Gary Goodchild	

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
 Elfriede Sprague, Clerk III
 Mary Finet, Senior Planner

Guests Present:	Margaret Loughney	Brian Turk
	Pete Feichtmeier, Colby Construction	Dan Warren

CORRESPONDENCE: None

MEETING APPROVAL None.

MINUTES

- *Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval of the November 3, 2005.*
- *Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval of the November 17, 2005, Minutes.*

PUBLIC COMMENT

Chairperson Kipp asked if anyone from the audience wished to address the Commission?

Pete Feichtmeier, representing the Lindenberg's, asked if SCU-269T could be addressed first as it was last on the agenda and a termination. The Commission had no objection to the request.

There being no further comment, Chairperson Kipp moved on to SCU-269T.

• **SCU-269T (James and Nancy Lindenberg/East Shore Inn) Town of Merton, Section 16**

Mr. Mace presented the "Staff Report and Recommendation" dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property at W315 N7587 Hwy. 83 in the Town of Merton on the aerial photograph and stated the petitioner is requesting the termination of a Conditional Use for a tavern/restaurant and rental cottages. Mr. Mace explained the property in question was the old East Shore Inn and is no longer in use as a restaurant/tavern. The Lindenberg's have purchased the

property; a Zoning Permit has been issued and they are in the process of building a new home. The existing structures are to be torn down, except for the garage. The Commission agreed to terminate the original Conditional Use Permit.

After a brief discussion Mr. Baade moved, seconded by Mrs. Gennrich and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SZT-1571 (L&L General Partnership and Lang Investments/Shakerville West Subdivision) Town of Summit, Section 26**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property on the west side of C.T.H. “P” and south of Genesee Lake Road in the Town of Summit on the aerial photograph.

Mrs. Gennrich noted the C-1 zoning of the open body of water on the zoning map. Mr. Mace identified it as a seepage lake, subject to the fluctuating groundwater cycle. He presented the Conceptual Plan of the subdivision and commented there is a large outlot which would encompass the pond. Mrs. Haukohl asked if there was Environmental Corridor (EC) on the plat? Mr. Mace replied, “A small amount”. Mrs. Gennrich thought the lots should be moved out of the Isolated Natural Area (ISNA) and EC. Mr. Henry Elling, Town of Summit Planner commented the large open space on the northern portion of the parcel is intended to be a large natural meadow, and to the west of it is EC. The pond is also EC, so there would not be any development in that area. The ISNA is a large kettle along the edge of Sawyer Road, and even though some back yards of the residences intrude into the area, it will not be developed as home sites because it drops about 30 feet into the kettle. The Town is planning on developing the parcel as a Conservation Subdivision. The intent is for the property owners to have an equal interest in the open space. Mrs. Haukohl noted the site is in conformance with the County Land Use Plan, having EC on the west end surrounding the wetlands; however the EC is not noted on the map. Mrs. Gennrich explained just because it is not zoned EC, does not mean it isn’t; it is just not designated on the map. Mr. Mace identified the entire parcel as being 133 acres, however the County is only concerned with rezoning the 65 acres in our jurisdiction. The northern portion has already been rezoned. Twenty-four lots are in the rezone area. Mrs. Haukohl questioned why the Town’s conditions did not say “subject to County approval” also? Mr. Mace replied he didn’t know why the Town did not add it. Mrs. Gennrich questioned the Town’s Condition H and asked if there was high ground water? Mr. Elling replied there was some concern along the western edge of the pond, as it was a naturally occurring groundwater pond. The Town would be sure to review any building in that area. Mrs. Haukohl objected to the fact that the Town’s Condition E did not include “subject to County approval” and that it would not be included in the Ordinance. Mr. Mace replied it was probably an oversight of the Town, however the County’s Sanitary Ordinance will require review by the Town and County. Mrs. Gennrich thought it should be added as a condition so the petitioner would be aware of all necessary approvals. Mr. Elling replied that the Town’s proof of approval would be the County’s Permit for the Stormwater and Landscaping Plan. Mr. Kolb added that if the requirements were covered by the Ordinance, he saw no need to add additional conditions. Mrs. Gennrich felt if any of the lots contain EC and ISNA, she would like a requirement added stating “The building envelopes be outside of the Environmental Corridors”. Mr. Mace replied it could not be added, as it was not in the County’s jurisdiction. When the Town and County are presented the Preliminary Plat, the condition can be added. Requiring the building envelopes be outside the corridor is part of the Plat process. Mrs. Gennrich and Haukohl were concerned the requirement would not be fulfilled and felt the lots should be backed out of the Corridor. They would

like to have the statement added. Mr. Elling explained the present plat is only a Conceptual Plan and upon approval of the rezoning by the County, a Preliminary Plat would be drafted. At that point the Plan Commission will look at protecting the ISNA and the EC. Mrs. Gennrich asked Mr. Baade if he would be willing to amend his motion to send the request back to the Town to require the lots or the building envelopes be out of the EC? Mr. Baade felt it was redundant, as the Town of Summit will review the Preliminary Plat when it is presented to them. He then called the question.

After discussion Mr. Baade moved, seconded by Mr. Kolb and carried with 5 yes votes (Mrs. Gennrich and Mrs. Haukohl voted no) for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCZ-1515 (Pabst Farms Development/Interlaken Village Subdivision) Town of Summit, Sections 12 and 13**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property, on the east side of C.T.H.”P”, north and west of Interlaken Drive and south of Henning Drive in the Town of Summit on the aerial photograph and identified the area as mostly flat field.

Mr. Mace explained Norwood Drive has been vacated by the Town and currently only used by several residents. Mr. Baade asked if there was a problem with water on Henning Dr.? Mr. Elling replied the Town Engineer and Pabst Farms have provided a Grading Plan, which will take care of any problems. The Commission felt it was an appropriate use for the land.

After discussion Mrs. Gennrich moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **ZT-1602 (Pabst Farms Development, LLC/Lake Country Village Subdivision) Town of Summit, Sections 11 and 14**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property, on the east side of C.T.H.”P”, north and west of Interlaken Drive and south of Henning Drive in the Town of Summit on the aerial photograph.

Mr. Dan Warren, representing Pabst Farms Development, gave an overview of the project explaining it was part of a larger Pabst Farms development, which is approximately 1,600 acres. The Conceptual Plan has the entire area with an approved Stormwater Management Plan and open space areas. All of the water that falls on the property will drain to the areas for infiltration. The expectation is 100% of the water that makes it to the area will be infiltrated. All water will remain on site using ground water recharge. There will be storm sewers and other directional piping. The existing wells on the site will be abandoned. The project will have city water and sanitary sewer. Mr. Goodchild asked what the plans for C.T.H. “P” were? Mr. Warren replied a traffic impact analysis has been done for the entire project and it was determined that it would remain a two-lane road. Two new intersections will be created that will connect it to the Interlaken project on the opposite side of C.T.H. “P”. The intersections have been designed in conformance with County Highway Department standards. Mrs. Haukohl asked who would pay for the roads? Mr. Warren replied, “We are”. He presented the Conceptual Plan layout and explained the formation of the ground water recharge areas, wet water quality ponds, open space, trails,

road connections, etc. He explained there is a Stormwater Management District, which was created between the City of Oconomowoc and the Town of Summit with the large stormwater areas being owned by the District. The property owners within the district will pay for the upkeep and maintenance of the District. There will be trails that run along the WE Energies corridor, eventually connecting to the bike trail and then continuing into the City of Oconomowoc. The Commission felt the proposed subdivision was well designed and would be an appropriate use of the land.

After discussion Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CZ-1597 (Margaret Loughney) Town of Vernon, Section 36**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property, on the southeast corner of S.T.H. 164 and Kelsey Drive in the Town of Vernon on the aerial photograph.

Mrs. Gennrich questioned whether there were any Indian Mounds on the property? Mr. Mace pointed them out on the aerial map to the north of the parcel. Mr. Goodchild asked if the Loughney’s also own the property to the south, why was there only a 33 ft. strip going to Kelsey Dr.? Mr. Turk replied the 33 ft. noted on the Certified Survey Map is the Kelsey Drive right-of-way and the unplatted lands are actually about 17-20 feet. Several family members hold the piece in question in multiple ownership while only one family member owns the parcel to the south. At this point in time, it is not sure whether there is a mapping error. Mrs. Kipp questioned why Lot 1 is currently not being divided, as the Staff Report says it was the intent to do so in the future. Mr. Turk replied the Town Ordinance only allows the creation of two new lots a year by Certified Survey Map. Mrs. Haukohl and Mr. Goodchild were concerned that the zoning amendment was creating spot zoning. Mr. Mace replied the Commission was not allowing a use that was uncommon in the area; it was all residential or farming and spot zoning is defined as allowing uses not common or ordinary for the subject area. The Village of Big Bend Land Use Plan has changed the use category to accommodate this use. Mr. Goodchild noted on the GIS that in the City of Muskego, just east of the parcel, there were ¼ acre lots. He would like to have seen a road entering off of Kelsey Drive and not S.T.H. 164. Mr. Turk replied the Town of Vernon did not want a road off Kelsey Drive. He reminded the Commission that in January 2005 they approved the Land Use Plan, which allows this rezoning. The Commission answered they had no choice as the Village had included the parcel under the extraterritorial Land Use Plan. There was concern as to what the future plans for the parcel to the south were. Mrs. Gennrich suggested sending the request back to the Town with the recommendation to add a 33 ft. road reservation off of Lot 3 for future development of the parcel to the south and to move the lots. Mr. Turk commented the reservation would have to be 66 ft. The Commission felt the proposed land division was poorly designed, however the request was in conformance with the Land Use Plan.

After discussion Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of her land and meets the intent and purposes of all County Ordinances.

- **SCU-454C (Kim Pesicek) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property at W352 N5303 Lake Dr., Lot 1, Certified Survey Map No. 4976 in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting Conditional Use approval for the construction of a residence with an “in-law unit”.

Mr. Mace explained the petitioner is proposing to construct an “in-law unit” for his disabled daughter while allowing him to live in the principal unit. Mr. Baade asked if the property were sold, could the residence become a duplex? Mr. Mace replied, “No”, Condition No. 5 of the Town requires a Deed Restriction be recorded in the Waukesha County Register of Deeds office stating the “in-law unit” is to be occupied by persons related by blood or marriage and is non-transferable. He did not check with Corp. Counsel, but was not sure if the restriction was legal. Mrs. Haukohl commented the house plans for the “in-law unit” were in accordance with the Ordinance, only having access from the main home.

After a brief discussion Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-05-OCOT-19 (Kim Pesicek) Town of Oconomowoc, Section 35**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property at W352 N5303 Lake Dr., Lot 1, Certified Survey Map No. 4976 in the Town of Oconomowoc and stated the petitioner is requesting Site Plan/Plan of Operation approval for the construction of a residence with an “in-law unit”

Mr. Mace indicated the matter is related to the previous Conditional Use request SCU-454C.

The Commission felt the proposed use was in conformance with the purpose and intent of the Ordinance and would allow a separate living area for the disabled daughter.

After a brief discussion Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **CU-983A (Stonehedge Farms, LLC) Town of Oconomowoc, Section 10**

Mr. Mace presented the “Staff Report and Recommendation” dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property at N87 W36605-25 Mapleton Road (C.T.H. “CW”) in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting Conditional Use approval for an existing commercial horse boarding stable and indoor riding arena.

The Commission expressed concern with the number of horses on the 24 acres. Their understanding was only one horse was allowed for the first three acres of land and one horse per acre afterwards. Ms. Finet arrived and explained that the parcel was designated in the Prime Agricultural category and there is no limit to the number of horses allowed. Mrs. Kipp asked if there was a Parking Plan and where were the horse trailers going to be parked? Mrs. Finet replied that during the site visit she did not see any trailers. Mr. Goodchild noted the farm is an existing use and asked if there have been any complaints from the

neighbors about it? Ms. Finet replied, "No". When the request went to the Town, Jeff Herrmann the Town Planner, originally had a condition saying, "No more than two horse trailers shall be parked overnight on the property and such overnight parking is only permitted if the petitioner owns the trailers, except in regards to special events". The Town of Oconomowoc Plan Commission removed the condition. Mrs. Kipp reiterated she felt that parking needed to be addressed and would have liked to have seen a Parking Plan presented with the Conditional Use and Plan of Operation. Mr. Goodchild commented the property is in Saddlebrook Farms, which is an equestrian subdivision. Mrs. Haukohl stated Condition No. 6 of the Town states the "Conditional Use Permit shall be subject to an annual review". If any problems with the Conditional Use Permit arise, they can be addressed. The Staff Report does say, "There is ample parking on the property south of the large horse barn".

After a brief discussion Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.

PO-05-OCOT-20 (Stonehedge Farms, LLC) Town of Oconomowoc, Section 10

Mr. Mace presented the "Staff Report and Recommendation" dated December 1, 2005, and made a part of these Minutes. He pointed out the location of the property at N87 W36605-25 Mapleton Road (C.T.H. "CW") in the Town of Oconomowoc and stated the petitioner is requesting Site Plan/Plan of Operation approval for commercial horse boarding stable and indoor riding arena.

Mr. Mace indicated the matter is related to the previous Conditional Use request CU-983A.

The Commission felt the boarding stable and indoor riding arena were consistent with the County and Town Land Use Plans and were an appropriate use.

After a brief discussion Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of their land and still promote and meet the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Baade moved, seconded by Mrs. Gennrich to adjourn at 2:40 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

PH:es